

K.C.C. 21A.37
General Provisions – Transfer of Development Rights (TDR)

1 SECTION 38. Ordinance 13724, Section 1, as amended, and K.C.C. 21A.37.010
2 are each hereby amended to read as follows:

3 **Transfer of development rights (TDR) program - purpose.** A. The purpose of
4 the transfer of development rights program is to ~~((provide a))~~ transfer residential density
5 from eligible sending sites to eligible receiving sites through a voluntary~~((incentive-~~
6 ~~based))~~ process for permanently preserving rural resource and Urban Separator lands that
7 provide a public benefit. The TDR provisions are intended to supplement land use
8 regulations, resource protection efforts and open space acquisition programs and to
9 encourage increased residential development density or increased commercial square
10 footage, especially inside cities, where it can best be accommodated with the least
11 impacts on the natural environment and public services by:

12 1. Providing an effective and predictable incentive process for property owners
13 of rural, resource and Urban Separator land ~~((property owners))~~ to preserve lands with a
14 public benefit as described in K.C.C. 21A.37.020; and

15 2. Providing an efficient and streamlined administrative review system to ensure
16 that transfers of development rights to receiving sites are evaluated in a timely way and
17 balanced with other county goals and policies, and are adjusted to the specific conditions
18 of each receiving site.

19 B. The TDR provisions in this chapter shall only apply to TDR receiving site
20 development proposals submitted on or after September 17, 2001, and applications for
21 approval of TDR sending sites submitted on or after September 17, 2001.

22 SECTION 39. Ordinance 13724, Section 4, as amended, and K.C.C. 21A.37.020
23 are each hereby amended to read as follows:

Transfer of development rights (TDR) program - sending sites.

A. For the purpose of this chapter, "sending site" means ~~((the portion of the))~~ the entire tax lot or lots qualified under subsection B of this section. Sending sites may only be located within rural~~((;))~~ or resource lands or Urban Separator areas with R-1 zoning, as designated by the King County Comprehensive Plan and ~~((may))~~ cannot be in public ownership. If the sending site consists of more than one tax lot, the lots must be contiguous. For purposes of this section, lots divided by a street are considered contiguous if the lots would share a common lot line if the street was removed. ~~((Sending sites shall be maintained in a natural state, except for lands zoned A or F, or lands zoned RA within the rural forest focus areas, or within proposed regional trail or open space sites suitable for passive recreation.))~~ This provision may be waived by the interagency committee if the total acreage of a rural or resource sending site application exceeds one hundred acres. A sending site shall be maintained in a condition that is consistent with the criteria in this section under which the sending was qualified.

B. Qualification of a sending site shall demonstrate that the site contains a public benefit such that preservation of that benefit by transferring residential development rights to another site is in the public interest. A sending site must meet at least one of the following criteria:

1. Designation in the King County Comprehensive Plan or a functional plan as an agricultural production district or zoned A;

2. Designation in the King County Comprehensive Plan or a functional plan as forest production district or zoned F;

46 3. Designation in the King County Comprehensive Plan as rural residential,
47 zoned RA-5 or RA-10, and meeting the definition in RCW 84.34.020 of open space, farm
48 and agricultural land, or timber land;

49 ~~((3))~~4. Designation in the King County Comprehensive Plan or a functional plan
50 as within the rural forest focus area and zoned RA with a minimum of fifteen acres of
51 forested land that is not encumbered through King County's development rights purchase
52 program;

53 ~~((4))~~5. Designation in the King County Comprehensive Plan, or a functional
54 plan as a proposed rural or resource area regional trail or rural or resource area open
55 space site, through either:

56 a. designation of a specific site; or

57 b. identification of proposed rural or resource area regional trails or rural or
58 resource area open space sites which meet adopted standards and criteria, and for rural or
59 resource area open space sites, meet the definition of open space land, as defined in RCW
60 84.34.020;

61 ~~((5))~~6. Identification as habitat for federal listed endangered or threatened
62 species in a written determination by the King County department of natural resources
63 and parks, Washington state Department of Fish and Wildlife, United States Fish and
64 Wildlife Services or a federally recognized tribe that the sending site is appropriate for
65 preservation or acquisition; or

66 ~~((6))~~7. Designation in the King County Comprehensive Plan as Urban Separator
67 and zoned R-1.

68 C. For the purposes of the TDR program, "acquisition" means obtaining fee
69 simple rights in real property, or a less than a fee simple right in a form that preserves in
70 perpetuity the public benefit supporting the designation or qualification of the property as
71 a sending site.

72 D. If a sending site has any outstanding code violations, the person responsible
73 for code compliance should resolve these violations, including any required abatement,
74 restoration, or payment of civil penalties, before a TDR sending site may be qualified by
75 the interagency review committee created under K.C.C. 21A.37.070. However, the
76 interagency may qualify and certify a TDR sending site with outstanding code violations
77 if the person responsible for code compliance has made a good faith effort to resolve the
78 violations and the proposal is in the public interest.

79 E. For lots on which the entire lot or a portion of the lot has been cleared or
80 graded pursuant to a Class II, III or IV special forest practice as defined in chapter 76.09
81 RCW within the six years prior to application as a TDR sending site, the applicant must
82 provide an affidavit of compliance with the reforestation requirements of the Forest
83 Practices Act, and any additional reforestation conditions of their forest practice permit.
84 Lots on which the entire lot or a portion of the lot has been cleared or graded without any
85 required forest practices or county authorization, shall be not qualified or certified as a
86 TDR sending site for six years unless the six-year moratorium on development
87 applications has been lifted or waived or the landowner has a reforestation plan approved
88 by the State Department of Natural Resources and King County.

89 SECTION 40. Ordinance 13724, Section 5, as amended, and K.C.C. 21A.37.030
90 are each hereby amended to read as follows:

Transfer of development rights (TDR) program - receiving sites.

A. Receiving sites shall be:

1. King County unincorporated urban sites, except as limited in subsection ~~((of))~~ of D of this section, zoned R-4 through R-48, NB, CB, RB or O, or any combination thereof. The sites may also be within potential annexation areas established under the countywide planning policies; or

2. Cities where new growth is or will be encouraged under the Growth Management Act and the countywide planning policies and where facilities and services exist or where public investments in facilities and services will be made, or

3. RA-2.5 ~~((and RA-5))~~ zoned parcels, except as limited in subsection E of this section, that meet the criteria listed in this subsection A.3 may receive development ~~((credits))~~ rights transferred from rural forest focus areas, and accordingly may be subdivided and developed at a maximum density of one dwelling per two and one-half acres. Increased density allowed through the designation of rural receiving areas:

a. must be eligible to be served by domestic Group A public water service;

b. must be located within one-quarter mile of an existing predominant pattern of rural lots smaller than five acres in size;

c. must not adversely impact regionally or locally significant resource areas or environmentally sensitive areas;

d. must not require public services and facilities to be extended to create or encourage a new pattern of smaller lots;

e. must not be located within rural forest focus areas; and

f. must not be located on Vashon or Maury Islands.

B. Except as provided in this chapter development of an unincorporated King County receiving site shall remain subject to all zoning code provisions for the base zone, except TDR receiving site developments shall comply with dimensional standards of the zone with a base density most closely comparable to the total approved density of the TDR receiving site development.

C. An unincorporated King County receiving site may accept development rights from one or more sending sites, up to the maximum density permitted under K.C.C. 21A.12.030 and 21A.12.040.

D. Property located within the outer boundaries of the Noise Remedy Areas as identified by the Seattle-Tacoma International Airport may not accept development rights.

E. Property located on Vashon or Maury Island may not accept development rights.

SECTION 41. Ordinance 13724, Section 6, as amended, and K.C.C. 21A.37.040 are each hereby amended to read as follows:

Transfer of development rights (TDR) program - calculations.

A. The number of residential development rights that an unincorporated sending site is eligible to send to a receiving site shall be determined by applying the TDR sending site base density established in subsection D of this section to the area of the sending site after ~~((the following has been deducted:~~

~~1. A))~~any portion of the sending site already in a conservation easement or other similar encumbrance~~((;))~~has been deducted.

136 ~~((2. The amount of land area equal to the base density in the density and~~
137 ~~dimensions tables in K.C.C. 21A.12.030 and 21A.12.040 for the zone for each existing or~~
138 ~~proposed residential development unit within the lot or lots;~~

139 ~~———— 3. Any submerged land; and~~

140 ~~———— 4. Other areas, excluding setbacks, required by King County to remain~~
141 ~~undeveloped.))~~

142 B. Any fractions of development rights that result from the calculations in
143 subsection A of this section shall not be included in the final determination of total
144 development rights available for transfer.

145 C. For purposes of calculating the amount of development rights a sending site
146 can transfer, the amount of land contained within a sending site shall be determined as
147 follows:

148 1. If the sending site is an entire tax lot, the square footage or acreage shall be
149 determined:

150 a. by the King County department of assessments records; or

151 b. by a survey funded by the applicant that has been prepared and stamped by a
152 surveyor licensed in the state of Washington;

153 2. ~~((If the sending site is a portion of a tax lot, the square footage or acreage~~
154 ~~shall be determined by a survey that has been prepared and stamped by a surveyor~~
155 ~~licensed in the state of Washington;)) and~~

156 ~~((3)).~~ If the sending site consists of a lot that is divided by a zoning boundary,
157 the square footage or acreage shall be calculated separately for each zoning classification.
158 The square footage or acreage within each zoning classification shall be determined by

the King County record of the action that established the zoning and property lines, such as an approved lot line adjustment. When such records are not available or are not adequate to determine the square footage or acreage within each zoning classification, the department of development and environmental services shall calculate the square footage or acreage through the geographic information system (GIS) mapping system.

D. For the purposes of the transfer of development rights (TDR) program, the following TDR sending site base ~~((densities))~~ densities apply:

1. Sending sites designated in the King County Comprehensive Plan as Urban Separator and zoned R-1 shall have a base density of four dwelling units per acre for transfer purposes only:-

2. Sending sites zoned RA outside a rural forest focus area shall have a base density consistent with the base density established in the density and dimensions tables in K.C.C.21A.12.030;

3. Sending sites zoned RA within rural forest focus areas shall have a base density of one dwelling unit per five acres for transfer purposes only;

4. Sending sites zoned A-10 and A-35 within the agricultural production district shall have a base density of one dwelling unit per five acres for transfer purposes only; and

5. Sending sites zoned F within the forest production district shall have a base density of one dwelling unit per eighty acres or one dwelling unit per each lot that is between fifteen and eighty acres in size for transfer purposes only.

E. A sending site may send one development right for every legal lot created on or before September 17, 2001, if that number is greater than the number of development rights determined under subsection A of this section.

F. The number of development rights that a King County unincorporated rural or natural resources land sending site is eligible to send to a King County incorporated urban area receiving site shall be determined through the application of a conversion ratio established by King County and the incorporated municipal jurisdiction. The conversion ratio will be applied to the number of available sending site development rights determined under subsection A or E of this section.

G. Development rights from one sending site may be allocated to more than one receiving site and one receiving site may accept development rights from more than one sending site.

H. The determination of the number of residential development rights a sending site has available for transfer to a receiving site shall be valid for transfer purposes only, shall be documented in a TDR certificate letter of intent and shall be considered a final determination, not to be revised due to changes to the sending site's zoning.

I. The number of residential development rights that a sending site with RA, A or F zoning is eligible to send to an unincorporated urban area receiving site shall be determined by applying twice the base density allowed for transfer purposes as specified in subsection D of this section.

SECTION 42. Ordinance 14190, Section 7 and K.C.C. 21A.37.050 are each hereby amended to read as follows:

Transfer of development rights (TDR) program - development limitations.

203 A. Following the transfer of residential development rights ~~((from))~~ a sending
204 site~~((, the portion of the lot or lots not designated as a sending site))~~ may subsequently
205 accommodate remaining residential dwelling units, if any, on the buildable portion of the
206 parcel or parcels or be subdivided, consistent with the zoned base density provisions of
207 the density and dimensions tables in K.C.C. 21A.12.030 and 21A.12.040, the allowable
208 dwelling unit calculations in K.C.C. 21A.12.070 and other King County development
209 regulations. For sending sites zoned RA, the subdivision potential remaining after a
210 density transfer may only be actualized through a clustered subdivision, short subdivision
211 or binding site plan that creates a permanent preservation tract as large or larger than the
212 portion of the subdivision set aside as lots. Within rural forest focus areas, resource use
213 tracts shall be at least fifteen acres of contiguous forest land.

214 B. Residential and ~~((N))~~nonresidential uses on lots zoned R-1, RA, A and F shall
215 be limited to a maximum of ten percent impervious surface.~~((as follows:))~~

216 C-4. Only those nonresidential uses directly related to, and supportive of the
217 criteria under which the site qualified are allowed on a sending site.~~on the portion of the~~
218 ~~lot designated as a sending site.~~

219 D. The applicable limitations set forth in this section shall be included in the
220 sending site conservation easement.

221 ~~((2. The portion of the lot outside the sending site may develop nonresidential~~
222 ~~uses consistent with the zone.))~~

223 SECTION 43. Ordinance 14190, Section 8 and K.C.C. 21A.37.060 are each
224 hereby amended to read as follows:

Transfer of development rights (TDR) program - documentation of restrictions.

A. Following the transfer of development rights from a sending site, deed restrictions documenting the development rights transfers shall be recorded by the department of natural resources and parks, or its successor, and notice placed on the title to the sending site parcel. The department of development and environmental services, or its successor, shall establish and maintain an internal tracking system that identifies all certified transfer of developments rights sending sites.

B. A conservation easement granted to the county or other appropriate land management agency shall be required for land contained in the sending site. The conservation easement shall be documented by a map. The conservation easement ~~((may))~~ shall be placed on the entire lot or lots ~~((or only the portion of the lot or lots that is qualified as the sending site))~~. The conservation easement shall ~~((indicate))~~ identify ~~((the portion of the lot or lots restricted from future residential development, or))~~ limitations on future residential and nonresidential development ~~((within the conservation easement, whether or not the land is dedicated,))~~ consistent with K.C.C. chapter 21A.37 and as follows:

1. A conservation easement, which contains the easement map, shall be recorded on the entire sending site to indicate development limitations on the sending site;

2. For a sending site zoned A-10 or A-35, the conservation easement shall be consistent in form and substance with the purchase agreements used in the agricultural land development rights purchase program. The conservation easement shall preclude

subdivision of the subject property but may permit not more than one dwelling per sending site, and shall permit agricultural uses as provided in the A-10 or A-35 zone;

3. For a sending site located within a rural forest focus area, the sending site shall be a minimum of twenty acres. The conservation easement shall require that fifteen acres of contiguous forest land be restricted to forest management activities and shall include a forest stewardship plan approved by the county for ongoing forest management practices. The Forest Stewardship Plan shall ~~((include a description of the site's forest resources and the long term forest management objectives of the property owner, and))~~ meet the requirements of King County administrative rules concerning forest stewardship plans and shall not impose standards that exceed Title 222 of the Washington Administrative Code. No more than one dwelling unit is allowed for every twenty acres. ~~((The dwelling unit is to remain with the unrestricted portion of the conservation easement or unencumbered portion of the sending site))~~;

4. For a rural sending site located outside a rural forest focus area the conservation easement shall allow for restoration, maintenance or enhancement of native vegetation. A present conditions report shall be required to document the location of native vegetation. If residential development will be allowed on the site under the conservation easement, the present conditions report shall be used to guide the location of residential development;

5. For a sending site qualifying as habitat for federal listed endangered or threatened species, the conservation easement shall protect habitat and ~~((be placed on the portion of the lot or lots needed for habitat protection. The conservation easement shall))~~ allow for restoration, maintenance or enhancement of native vegetation. A present

conditions report shall be required to document the location of ~~((native vegetation))~~
existing structures. If existing or future residential development will be allowed on the
site under the conservation easement, the present conditions report shall be used by the
owner to guide the location of residential development; and

6. For a sending site zoned F, the conservation easement shall encumber the
entire sending site. Lots between fifteen acres and eighty acres in size are not eligible to
participate in the TDR program if they include any existing dwelling units intended to be
retained, or if a new dwelling unit is proposed. For eligible lots between fifteen acres and
eighty acres in size, the sending site must include the entire lot. For lots greater than
eighty acres in size, the sending site shall be a minimum of eighty acres. The
conservation easement shall permit forestry uses subject to a forest stewardship plan
prepared by the applicant and approved by the county for ongoing forest management
practices. The Forest Stewardship Plan shall include a description of the site's forest
resources and the long-term forest management objectives of the property owner, and
shall not impose standards that exceed Title 222 of the Washington Administrative Code.

SECTION 44. Ordinance 13274, Section 7, as amended, and K.C.C. 21A.37.070
are each hereby amended to read as follows:

**Transfer of development rights (TDR) program - sending site certification
and interagency review committee process.**

A. An interagency review committee, chaired by the directors of the department
of development and environmental services and the department of natural resources and
parks, or their designees, shall be responsible for qualification of sending sites.
Determinations on sending site certifications made by the committee are appealable to the

examiner pursuant to K.C.C. 20.24.080. The department of natural resources and parks shall be responsible for preparing a written report, which shall be signed by the director of the department of natural resources and parks or the director's designee, documenting the review and decision of the committee. The committee shall issue a TDR certification letter within sixty days of the date of submittal of a completed sending site certification application.

B. Responsibility for preparing a completed application rests exclusively with the applicant. Application for sending site certification shall include:

1. A legal description of the site;
2. A title report;
3. A brief description of the site resources and public benefit to be preserved;
4. A site plan showing the ~~((proposed conservation easement area,))~~ existing and proposed dwelling units, nonresidential structures, driveways, submerged lands, and any area already ~~((in))~~ subject to a conservation easement or other similar encumbrance ~~((and any other area, except setbacks, required by King County to remain open))~~;
5. Assessors map or maps of the lot or lots;
6. A statement of intent indicating whether the property ownership, after TDR certification, will be retained in private ownership or dedicated to King County or another public or private nonprofit agency;
7. Any or all of the following written in conformance with criteria established through a public rule consistent with K.C.C. chapter 2.98, if the site is qualifying as habitat for a threatened or endangered species:
 - a. a wildlife habitat conservation plan;

- 317 b. a wildlife habitat restoration plan; or
- 318 c. a wildlife present conditions report;
- 319 8. A forest stewardship plan, written in conformance with criteria established
- 320 through a public rule consistent with K.C.C. chapter 2.98, if required under K.C.C.
- 321 21A.37.060B.3 and 6;
- 322 9. An affidavit of compliance with the reforestation requirements of the Forest
- 323 Practices Act and any additional reforestation conditions of the forest practices permit for
- 324 the site, if required under K.C.C. 21A.37.020E.
- 325 10. A completed density calculation worksheet for estimating the number of
- 326 available development rights, and
- 327 11. The application fee consistent with K.C.C. 27.36.020.

328 SECTION 45. Ordinance 13274, Section 8, as amended, and K.C.C. 21A.37.080

329 are each hereby amended to read as follows:

330 **Transfer of development rights (TDR) program - transfer process.**

331 A. TDR development rights where both the proposed sending and receiving sites

332 would be within unincorporated King County shall be transferred using the following

333 process:

- 334 1. Following interagency review committee review and approval of the sending
- 335 site application as described in K.C.C. 21A.37.070 the interagency review committee
- 336 shall issue a TDR certificate letter of intent, agreeing to issue a TDR certificate in
- 337 exchange for the proposed sending site conservation easement. The sending site owner
- 338 may then market the TDR sending site development rights to potential purchasers. If a
- 339 TDR sending site that has been reviewed and approved by the interagency review

committee changes ownership, the TDR certificate letter of intent may be transferred to the new owner if requested in writing to the department of natural resources by the person or persons that owned the property when the TDR certificate letter of intent was issued, provided that the documents evidencing the transfer of ownership are also provided to the department of natural resources;

2. In applying for receiving site approval, the applicant shall provide the department of development and environmental services with one of the following:

a. a TDR certificate letter of intent issued in the name of the applicant,
b. a TDR certificate letter of intent issued in the name of another person or persons and a copy of a signed option to purchase those TDR sending site development rights,

c. a TDR certificate issued in the name of the applicant, or
d. a TDR certificate issued in the name of another person or persons and a copy of a signed option to purchase those TDR sending site development rights;

3. Following building permit approval, but before building permit issuance by the department of development and environmental services or following preliminary plat approval or preliminary short plat approval, but before final plat or short plat recording of a receiving site development proposal which includes the use of TDR development rights, the receiving site applicant shall deliver the TDR certificate issued in the applicant's name for the number of TDR development rights being used and the TDR extinguishment document to the county;

4. When the receiving site development proposal requires a public hearing under this title or Title 19A or its successor, that public hearing shall also serve as the

hearing on the TDR proposal. The reviewing authority shall make a consolidated decision on the proposed development and use of TDR development rights and consider any appeals of the TDR proposal under the same appeal procedures set forth for the development proposal; and

5. When the development proposal does not require a public hearing under this title or Title 19A, the TDR proposal shall be considered along with the development proposal, and any appeals of the TDR proposal shall be considered under the same appeal procedures set forth for the development proposal.

6. Development rights from a sending site shall be considered transferred to a receiving site when a final decision is made on the TDR receiving area development proposal, the sending site is permanently protected by a completed and recorded land dedication or conservation easement, notification has been provided to the King County assessor's office and a TDR extinguishment document has been provided to the department ~~((and the King County department))~~ of natural resources and parks, or their successor agencies.

B. TDR development rights where the proposed receiving site would be within an incorporated King County municipal jurisdiction shall be reviewed and transferred using that jurisdiction's development application review process.

SECTION 46. Ordinance 13733, Section 10, as amended, and K.C.C. 21A.37.110 are each hereby amended to read as follows:

Transfer of development rights (TDR) bank expenditure and purchase authorization.

385 A. The TDR bank may purchase development rights from qualified sending sites
386 at prices not to exceed fair market value and to sell development rights at prices not less
387 than fair market value. The TDR bank may accept donations of development rights from
388 qualified TDR sending sites.

389 B. The TDR bank may purchase a conservation easement only if the property
390 subject to the conservation easement is qualified as a sending site as evidenced by a TDR
391 certificate letter of intent, the conservation easement restricts development of the sending
392 site in the manner required by K.C.C. 21A.37.060 and the development rights generated
393 by encumbering the sending site with the conservation easement are issued to the TDR
394 bank at no additional cost.

395 C. If a conservation easement is acquired through a county park, open space,
396 trail, agricultural, forestry((;)) or other natural resource acquisition program for a property
397 that is qualified as a TDR sending site as evidenced by a TDR certificate letter of intent,
398 any development rights generated by encumbering the sending site with the conservation
399 easement may be issued to the TDR bank so long as there is no additional cost for the
400 development rights.

401 D. The TDR bank may use funds to facilitate development rights transfers.
402 These expenditures may include, but are not limited to, establishing and maintaining
403 internet web pages, marketing TDR receiving sites, procuring title reports and appraisals
404 and reimbursing the costs incurred by the department of natural resources and parks,
405 water and land resources division, or its successor, for administering the TDR bank fund
406 and executing development rights purchases and sales.

E. The TDR bank fund shall not be used to cover the cost of identifying and qualifying sending and receiving sites, or the costs of providing staff support for the TDR interagency review committee or the department of natural resources and parks.

F. All proceeds from the sale of TDR bank development rights shall be available for acquisition of additional development rights upon approval of the TDR executive board.

SECTION 47. Ordinance 13733, Section 12, as amended, and K.C.C. 21A.37.130 are each hereby amended to read as follows:

Transfer of development rights (TDR) program - sale of TDR rights by TDR bank.

A. The sale of development rights by the TDR bank shall be at a price that equals or exceeds the fair market value of the development rights. The fair market value of the development rights shall be established by the department of natural resources and shall be based on the amount the county paid for the development rights and the prevailing market conditions.

B. When selling development rights, the TDR bank may select prospective purchasers based on the price offered for the development rights, the number of development rights offered to be purchased, and the potential for the sale to achieve the purposes of the TDR program.

C. The TDR bank may sell development rights only in whole or half increments to incorporated receiving sites through an interlocal agreement. The TDR bank may sell development rights only in whole increments to unincorporated King County receiving sites.

D. All offers to purchase development rights from the TDR bank shall be in writing, shall include a certification that the development rights, if used, shall be used only inside an identified city or within the urban unincorporated area, include a minimum ten-percent down payment with purchase option, shall include the number of development rights to be purchased, location of the receiving site, proposed purchase price and the required date or dates for completion of the sale, not later than ~~((one hundred twenty calendar days))~~ three years after the date of receipt by King County of the purchase offer.

E. Payment for purchase of development rights from the TDR bank shall be in full at the time the development rights are transferred unless otherwise authorized by the department of natural resources and parks

SECTION 48. Ordinance 13733, Section 15, as amended, and K.C.C. 21A.37.160 are each hereby amended to read as follows:

Transfer of development rights (TDR) program - establishment and duties of the TDR executive board.

A. The TDR executive board is hereby established. The TDR executive board shall be composed of the director of the budget office, the director of the department of natural resources and parks, the director of the department of transportation and the director of finance, or their designees. A representative from the King County council staff, designated by the council chair, may participate as an ex officio, nonvoting member of the TDR executive board. The TDR executive board shall be chaired by the director of the department of natural resources and parks or that director's designee.

B. The issues that may be addressed by the executive board include, but are not limited to, using site evaluation criteria established by administrative rules, ranking and selecting sending sites to be purchased by the TDR bank, recommending interlocal agreements and the provision of TDR amenities, if any, to be forwarded to the executive, identifying future funding for amenities in the annual budget process, enter into other written agreements necessary to facilitate density transfers by the TDR bank and otherwise oversee the operation of the TDR bank to measure the effectiveness in achieving the policy goals of the TDR program.

C. The department of natural resources and parks shall provide lead staff support to the TDR executive board. Staff duties include, but are not limited to:

1. Making recommendations to the TDR executive board on TDR program and TDR bank issues on which the TDR executive board must take action;

2. Facilitating development rights transfers through marketing and outreach to the public, community organizations, developers and cities;

3. Identifying potential receiving sites;

4. Developing proposed interlocal agreements with cities;

5. Assisting in the implementation of TDR executive board policy in cooperation with other departments;

6. Ranking certified sending sites for consideration by the TDR executive board;

7. Negotiating with cities to establish city receiving areas with the provision of amenities;

8. Preparing agendas for TDR executive board meetings;

- 475 9. Recording TDR executive board meeting summaries;
- 476 10. Preparing administrative rules in accordance with K.C.C. chapter 2.98 to
- 477 implement this chapter; and
- 478 11. Preparing (~~annual~~) periodic reports on the progress of the TDR program to
- 479 the council with assistance from other departments.